

### REMARKS

Applicants respectfully request reconsideration and allowance in view of the foregoing amendments and the following remarks. By this amendment, claims 12-35 are provisionally elected. Claims 1-11 have been provisionally unelected with traverse. Claims 1 and 19 have been amended to correct typographical errors.

#### ***Restriction Requirement and Election***

In the office action, the examiner required a restriction between Group I claims (1-11), classified in class 381, subclass 56 and Group II claims (12-35) classified in class 381, subclass 106.

#### Election and Traverse

Applicant provisionally elects the claims of Group II for prosecution in the present application and provisionally withdraw Group I claims. Applicant respectfully traverses the restriction requirement and requests consideration of the claims as amended in this response.

#### The Restriction Requirement Should Be Withdrawn

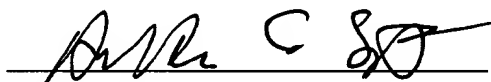
Regarding claims 1-11, it will be appreciated that classification as class 381, subclass 56 is applied where the invention includes “[s]ubject matter having a qualitative (yes-no) indication dependent upon a parameter of sound waves, e.g., loudness, quality, etc.” Claims 1-11 require the establishment of threshold values that define a region based on the threshold values. Further, claim 1 requires “calculating, if the current signal value is within the clip region, the  $dV/dt$  values,” and “establishing in response to the  $dV/dt$  value, a smooth clip signal value.” Thus, claims 1-11 require measurement of signal values and involve quantitative indications since a determination of whether a signal is within a range defined by thresholds is required by the claims. Additionally, the claims are not limited to a single threshold susceptible to a yes-no determination and the step of establishing thresholds allows for reestablishment of thresholds. Therefore, Applicant respectfully submits that claims 1-11 are not limited to a qualitative indication and reclassification of claims 1-11 in class 381, subclass 106 is appropriate. Such reclassification would allow claims 1-11 and claims 12-35 to be considered as being directed to broader and narrower embodiments of a same invention, obviating the restriction requirement.

For at least the reasons stated above, Applicants respectfully traverse the restriction requirement and request consideration of claims 1-35 as amended in this response.

Please charge any fees associated with the submission of this paper to Deposit Account Number 033975. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

Respectfully submitted,

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Date: September 29, 2005



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